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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,682	12/08/2003	Gerhard D. Klassen	55525501 2530	5722
7590 David B. Cochran, Esq. JONES DAY North Point 901 Lakeside Ave Cleveland, OH 44114				
EXAMINER PATEL, HARESH N				
ART UNIT 2154		PAPER NUMBER		
MAIL DATE 07/18/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/730,682

**Applicant(s)**

KLASSEN ET AL.

**Examiner**

Haresh N. Patel

**Art Unit**

2154

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 and 14-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Amended claims 1-12, 14-19 are subject to examination. Claims 13, 20 are cancelled.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell et al. 2005/0050151 (Hereinafter Mitchell).
4. Referring to claim 1, Mitchell discloses a mobile instant messaging device for communicating instant messages with a plurality of instant message services (e.g., page 4), comprising: a user interface for displaying a plurality service-specific icons, each service-specific icon providing an identification of one of the instant message services (e.g., page 4); a plurality of configuration data files, each configuration data file being associated with one of the service-specific icons; a common instant messaging application (e.g., page 4); and a processor for configuring and executing the common instant messaging application (e.g., page 4), wherein upon selecting one of the service-specific icons, the common instant messaging application is

configured for use as a service-specific instant messaging application using the associated configuration data file (e.g., page 6).

5. Referring to claim 2, Mitchell discloses the claimed limitations as rejected above. Mitchell also discloses a database coupled to the common instant messaging application for storing instant messaging data for each of the plurality of instant messaging services (e.g., page 4).

6. Referring to claim 3, Mitchell discloses the claimed limitations as rejected above. Mitchell also discloses a wireless interface for communicating instant messages to a wireless data network (e.g., page 2).

7. Referring to claim 4, Mitchell discloses the claimed limitations as rejected above. Mitchell also discloses a display for displaying the user interface (e.g., page 4).

8. Referring to claim 5, Mitchell discloses the claimed limitations as rejected above. Mitchell also discloses a keyboard for entering instant messaging text into the mobile instant messaging device (e.g., page 4).

9. Referring to claim 6, Mitchell discloses the claimed limitations as rejected above. Mitchell also discloses wherein the user interface is a user interface ribbon (e.g., page 4).

10. Referring to claim 7, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the user interface ribbon is a one or two dimensional graphical set of icons, including the plurality of service-specific icons (e.g., page 4).

11. Referring to claim 8, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the identification of one of the instant messaging services is a textual identification (e.g., page 6).

12. Referring to claim 9, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the identification of one of the instant messaging services is a graphical identification (e.g., page 4).

13. Referring to claim 10, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein at least one of the plurality of service-specific icons is configured to display instant messaging information to a user of the mobile instant messaging device (e.g., page 6).

14. Referring to claim 11, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the instant messaging information includes current presence information for the user with respect to the instant messaging service identified by the service-specific icon (e.g., page 6).

15. Referring to claim 12, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the instant messaging information includes a value indicating a number of received messages (e.g., page 6).

16. Referring to claim 14, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the configuration data file includes information which configures the functionality and appearance of the common instant messaging application so that it functions and appears like a service-specific instant messaging application. (e.g., page 3)

17. Referring to claim 15, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the common instant messaging application monitors a trigger event for at least one of the instant messaging services and upon detecting the trigger event, causes the user interface to display the service-specific icon for that instant messaging service (e.g., page 2).

18. Referring to claim 16, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the trigger event is at least one of: (1) receiving an invitation to chat; (2) receiving a service book record that identifies a particular service accessible through one of the instant messaging services; (3) entering of a secret code into the device; (4) activation of a download file; (5) clicking on a link in a browser; or (6) receiving an email with a control code for activating a particular service (e.g., page 3).

19. Referring to claim 17, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses wherein the service-specific icons, the configuration data files, and the common instant messaging application are stored in a Flash memory device within the mobile instant messaging device (e.g., page 6).

20. Referring to claim 18, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses a multi-service instant messaging system (e.g., page 4), comprising: a plurality of instant messaging services; a network; and at least one mobile instant messaging device (e.g., page 4), the mobile instant messaging device comprising: a user interface for displaying a plurality service-specific icons, each service-specific icon providing an identification of one of the instant message services; a plurality of configuration data files (e.g., page 4), each configuration data file being associated with one of the service-specific icons (e.g., page 4); and a common instant messaging application; wherein upon selecting one of the service-specific icons, the common instant messaging application is configured for use as a service-specific instant messaging application using the associated configuration data file (e.g., page 6), and may communicate instant messages over the network to the selected instant messaging service (e.g., page 6).

21. Referring to claim 19, Mitchell discloses the claimed limitations as rejected above.

Mitchell also discloses a method of instant messaging in a mobile communication device (e.g., page 4), comprising the steps of: displaying a plurality service-specific icons on a user interface of the device (e.g., page 4), each service-specific icon providing an identification of one of a

plurality of instant message services (e.g., page 4); storing a plurality of configuration data files, each configuration data file being associated with one of the service-specific icons (e.g., page 4); selecting one of the service-specific icons; and in response to the selecting step (e.g., page 4), configuring a common instant messaging application for use as a service-specific instant messaging application using the associated configuration data file (e.g., page 6).

22. Claims 1-12, 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Papanikolaou et al. 2004/0049589 (Hereinafter Papanikolaou).

23. Referring to claim 1, Papanikolaou discloses a mobile instant messaging device for communicating instant messages with a plurality of instant message services (e.g., page 6), comprising: a user interface for displaying a plurality service-specific icons, each service-specific icon providing an identification of one of the instant message services (e.g., page 7); a plurality of configuration data files, each configuration data file being associated with one of the service-specific icons; a common instant messaging application (e.g., page 7); and a processor for configuring and executing the common instant messaging application (e.g., page 6), wherein upon selecting one of the service-specific icons, the common instant messaging application is configured for use as a service-specific instant messaging application using the associated configuration data file (e.g., page 8).

24. Referring to claim 2, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses a database coupled to the common instant messaging application for



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storing instant messaging data for each of the plurality of instant messaging services (e.g., page 6).

25. Referring to claim 3, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses a wireless interface for communicating instant messages to a wireless data network (e.g., page 6).

26. Referring to claim 4, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses a display for displaying the user interface (e.g., page 7).

27. Referring to claim 5, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses a keyboard for entering instant messaging text into the mobile instant messaging device (e.g., page 6).

28. Referring to claim 6, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the user interface is a user interface ribbon (e.g., page 7).

29. Referring to claim 7, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the user interface ribbon is a one or two dimensional graphical set of icons, including the plurality of service-specific icons (e.g., page 7).

30. Referring to claim 8, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the identification of one of the instant messaging services is a textual identification (e.g., page 8).

31. Referring to claim 9, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the identification of one of the instant messaging services is a graphical identification (e.g., page 7).

32. Referring to claim 10, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein at least one of the plurality of service-specific icons is configured to display instant messaging information to a user of the mobile instant messaging device (e.g., page 8).

33. Referring to claim 11, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the instant messaging information includes current presence information for the user with respect to the instant messaging service identified by the service-specific icon (e.g., page 8).

34. Referring to claim 12, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the instant messaging information includes a value indicating a number of received messages (e.g., page 6).

35. Referring to claim 14, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the configuration data file includes information which configures the functionality and appearance of the common instant messaging application so that it functions and appears like a service-specific instant messaging application. (e.g., page 7)

36. Referring to claim 15, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the common instant messaging application monitors a trigger event for at least one of the instant messaging services and upon detecting the trigger event, causes the user interface to display the service-specific icon for that instant messaging service (e.g., page 8).

37. Referring to claim 16, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the trigger event is at least one of: (1) receiving an invitation to chat; (2) receiving a service book record that identifies a particular service accessible through one of the instant messaging services; (3) entering of a secret code into the device; (4) activation of a download file; (5) clicking on a link in a browser; or (6) receiving an email with a control code for activating a particular service (e.g., page 7).

38. Referring to claim 17, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses wherein the service-specific icons, the configuration data files, and the common instant messaging application are stored in a Flash memory device within the mobile instant messaging device (e.g., page 6).

39. Referring to claim 18, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses a multi-service instant messaging system (e.g., page 6), comprising: a plurality of instant messaging services; a network; and at least one mobile instant messaging device (e.g., page 6), the mobile instant messaging device comprising: a user interface for displaying a plurality service-specific icons, each service-specific icon providing an identification of one of the instant message services; a plurality of configuration data files (e.g., page 7), each configuration data file being associated with one of the service-specific icons (e.g., page 7); and a common instant messaging application; wherein upon selecting one of the service-specific icons, the common instant messaging application is configured for use as a service-specific instant messaging application using the associated configuration data file (e.g., page 8), and may communicate instant messages over the network to the selected instant messaging service (e.g., page 8).

40. Referring to claim 19, Papanikolaou discloses the claimed limitations as rejected above. Papanikolaou also discloses a method of instant messaging in a mobile communication device (e.g., page 6), comprising the steps of: displaying a plurality service-specific icons on a user interface of the device (e.g., page 6), each service-specific icon providing an identification of one of a plurality of instant message services (e.g., page 6); storing a plurality of configuration data files, each configuration data file being associated with one of the service-specific icons (e.g., page 7); selecting one of the service-specific icons; and in response to the selecting step (e.g.,

page 7), configuring a common instant messaging application for use as a service-specific instant messaging application using the associated configuration data file (e.g., page 8).

*Response to Arguments*

41. Applicant's arguments filed 4/3/2008, pages 7-11, have been fully considered but they are not persuasive. Therefore, rejection of the claims is maintained.

42. The applicant's statements, the claim terms "instant messaging service" and "service-specific" have been replaced throughout with the terms "instant messaging service" and "service-specific.", The Hatscher reference describes an enterprise application that is used to set up "service places" that identify a service of members having like interests and allow the service of members to share information over one or more communication channels, such as email. The Hatscher reference mentions that one way the member of a "service place" can share information is by instant messaging. (See, Hatscher, paragraphs 0010, 0043), etc.; are noted and the applicant amended claims are no longer rejected under the Hatscher reference.

Regarding the applicant's concern, The Papanikolaou reference describes an Internet portal structure for providing end users access to on-line services and applications. It has nothing to do with instant messaging or instant messaging applications. In fact, the term "instant messaging" appears only once in the entirety of the Papanikolaou reference; the examiner respectfully disagrees. The relied upon disclosure and the teachings of the Papanikolaou are not limited as concluded by the applicant. Papanikolaou discloses the broadly claimed limitations, i.e., please see the cited portions among other places of the cited art (above rejections) that not only contain the applicant concerned content of the art but also the relied upon limitations. The

specification of the application under prosecution at page 10 clearly states, The above-described embodiments of the present invention are intended to be examples only. Those of skill in the art may effect alterations, modifications and variations to the particular embodiments without departing from the scope of the invention.. Applicant's concern that "instant messaging" appears only once does not overcome the rejections, in fact when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. **In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963).** Skill in the art is presumed. **In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985).** Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. **In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).**

Regarding the applicant's concern, The Papanikolaou reference describes an Internet portal structure for providing end users access to on-line services and applications. It has nothing to do with instant messaging or instant messaging applications. In fact, the term "instant messaging" appears only once in the entirety of the Papanikolaou reference; the examiner respectfully disagrees. The relied upon disclosure and the teachings of the Papanikolaou are not limited as concluded by the applicant. Papanikolaou discloses the broadly claimed limitations, i.e., please see the cited portions among other places of the cited art (above rejections) that not only contain the applicant concerned content of the art but also the relied upon limitations. The specification of the application under prosecution at page 10 clearly states, The above-described

embodiments of the present invention are intended to be examples only. Those of skill in the art may effect alterations, modifications and variations to the particular embodiments without departing from the scope of the invention.. Applicant's concern that "instant messaging" appears only once does not overcome the rejections, in fact when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. **In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963).** Skill in the art is presumed. **In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985).** Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. **In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).**

Regarding the applicant's concern, the Mitchell reference describes an instant messaging architecture that manages communications with multiple users based on event tasks; the examiner respectfully disagrees. The relied upon disclosure and the teachings of the Mitchell are not limited as concluded by the applicant. Mitchell discloses the broadly claimed limitations, i.e., please see the cited portions among other places of the cited art that not only contain the applicant concerned content of the art but also the relied upon limitations. The specification of the application under prosecution at page 10 clearly states, The above-described embodiments of the present invention are intended to be examples only. Those of skill in the art may effect alterations, modifications and variations to the particular embodiments without departing from the scope of the invention.. When reviewing a reference the applicants should remember that not

only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. **In re Preda**, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and **In re Shepard**, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. **In re Sovish**, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. **In re Bode**, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

### *Conclusion*

43. In order to expedite the prosecution of this case, multiple references are used for the rejections to demonstrate that several references disclose the claimed subject matter of the claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). For clarification removal of instant messaging service, etc terms and amendment to the claims containing service-specific icons, etc., dated 4/3/2008 by the applicant, was neither proposed in the office action dated 12/12/2007 nor requested during the prosecution for any clarification.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2154

7/17/2008